

12 FEB 2008



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

NXP, B.V.  
NXP INTELLECTUAL PROPERTY DEPARTMENT  
M/S41-SJ  
1109 MCKAY DRIVE  
SAN JOSE CA 95131

In re Application of  
JACQUEMIN :  
Application No.: 10/561,579 : DECISION ON  
PCT No.: PCT/IB03/04883 :  
Int. Filing Date: 31 October 2003 : PETITION UNDER  
Priority Date: 06 November 2002 :  
Attorney Docket No.: FR02 0118 US : 37 CFR 1.137(b)  
For: METHOD OF ADHESION MEASUREMENT :  
AT THE INTERFACE BETWEEN LAYERS :

This decision is in response to applicant's submission filed 17 January 2008.

**BACKGROUND**

On 31 October 2003, applicant filed international application PCT/IB03/04883 which designated the U.S. and claimed a priority date of 06 November 2002. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 21 May 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 06 May 2005.

On 19 December 2005, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee and a petition under 37 CFR 1.137(b) to revive the application.

On 23 January 2006, a decision was mailed granting applicant's petition to revive under 37 CFR 1.137(b).

On 29 January 2007, a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) was mailed indicating, *inter alia*, that a declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) was required.

On 30 November 2007, a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) was mailed indicating that the application was abandoned as to the United States of America for failure to respond to the NOTIFICATION OF MISSING REQUIREMENTS mailed 29 January 2007 within the time period set therein.

On 17 January 2008, applicant filed the instant petition under 37 CFR 1.137(b) and a declaration of the inventor.

**DISCUSSION**

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted a declaration of the inventor on 17 January 2008.

As to item (2), applicant submitted the petition fee on 17 January 2008.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

The declaration of the inventor filed 17 January 2008 is in compliance with 37 CFR 1.497(a)-(b).

**CONCLUSION**

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer  
Legal Examiner  
PCT Legal Affairs  
Office of Patent Cooperation Treaty  
Legal Administration

Application No.: 10/561,579

-3-

Telephone: (571) 272-3301

Facsimile: (571) 273-0459